

Notice of Allowability

Application No.

10/681,202

Examiner

Alexander Grosz

Applicant(s)

PEREIRA, FRED

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to THE FILING OF 10/9/03.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☒ The drawings filed on 10/9/03 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 10/27/04.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 10/09/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 10/27/03
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Alexander Grosz
Primary Examiner
Art Unit: 3673

EXAMINER'S AMENDED

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. McGlynn on 10/27/04.

On page 1, line 7, change "sooth an infant" to:

-soothe an infant by rhythmically contacting the bottom of the crib-

On page 2, line 9, and the "abstract", line 3, change "sooth" to -soothe-

On page 4, line 22, change "left" to:

-right-

On page 5, lines 2-4, delete: "the weight of the ----- Fig. 1 device."

On page 5, line 19, change "plate" to:

-arm-

On page 6, lines 1, 2 change "the movement means 16, 17" to:
-placement between piston 17 and arm 18,-

On page 6, line 17, change "plate" to:

-arm-

In a timely manner, in figure 5, number 16, and number 36, above numeral 16, will be deleted.

In claim 1, delete lines 1, 2 and substitute the following:

Art Unit: 3673

-1. A device adapted to be removably positioned beneath, and spaced from the underside of a crib, the device adapted to transmit a vibration and produce a sound by rhythmically patting or contacting the underside of the crib, to thereby soothe a user of the crib, comprising:

means for rhythmically engaging and disengaging the underside of the crib-

In claim 1, lines 3, 4 and lines 7, 8 change "a mattress" to:

-the crib-

In claim 2, lines 3, 4 and lines 5, 6 change "a mattress" to:

-the crib-

In claim 3, line 2, change "a mattress" to:

-the crib-

In claim 4, line 1, change "4" to -1-

In claim 5, line 2, change "a mattress" to:

-the crib-

In claim 8, line 2, change "a mattress" to:

-the crib-

In claim 10, line 2, change "a mattress" to:

-the crib-

In claim 14, line 2, change "an underside of a mattress" to:

-the underside of the crib-

The following is an examiner's statement of reasons for allowance: On 10/27/04, Mr. McGlynn and I discussed the invention, the claims and the prior art, especially

Art Unit: 3673

Pereira teaching the use of a crib "patting" device, and Wilson et al (Figure 2) and Crawford (Fig. 2) both of which teach crib bouncing or shaking devices which are attached to cribs.

There is no teaching or suggestion in the prior art to combine the teachings of Pereira with teachings from Crawford or Wilson et al, as Pereira is a "patting" device in which cups 22 are not connected to the crib bottom, while Crawford's and Wilson et al's devices are attached to the crib (note plate 70 in Crawford and elements 23, 24, 25, 26 in Wilson et al) to produce a, bouncing or shaking not a "patting", as claimed.

Claim 1 has been broadened by changing "mattress" to "crib underside" since the "patting" contact is provided to the crib underside, not necessarily to a mattress.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Alexander Grosz at telephone number (703) 308-2498.

Grosz/vs
November 5, 2004



ALEXANDER GROSZ
PRIMARY EXAMINER